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June 26, 1996

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VIA HAND DELIVERY

Mr. Bobby Brown
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7130
Washington, D.C. 20554

RECEIVED

JUN 26 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Mobile Telecommunication Technologies Corp.
Petitions for Rulemaking to Amend Rule Section
22.521 to Include Four New Cities in the Table of
Assignments for Air-Ground Stations in the PLMS

Dear Mr. Brown:

Pursuant to our discussion earlier today and on behalf of Mobile Telecommunication Technologies Corp. ("Mtel"), please find enclosed for your information and review copies of the referenced Petitions for Rulemaking filed on April 8, 1994 for Eureka, CA; San Luis Obispo, CA; Springfield, OR; and Grants Pass, OR. Mtel has not received any information from the Commission relating to these Petitions since they were filed. Accordingly, please provide me with an update as to the status of these Petitions upon completion of your review.

Thank you for your assistance in this matter and should you have any questions or desire further information with respect to the Petitions, please do not hesitate to contact me.

Sincerely yours,

J. Justin McClure

Enclosures

C+1

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April 8, 1994

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APR - 8 1994

FEDERAL COMMUNICATIONS COMMISSION
GENERAL COUNSEL

Hon. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: Mobile Telecommunication Technologies Corp.
Petition for Rulemaking to Amend Rule Section 22.521
to include San Luis Obispo, California in the Table
of Assignments for Air-Ground Stations in the PLMS

Attn: Andy Nachby
Room 644

Dear Mr. Caton:

On behalf of Mobile Telecommunication Technologies Corp.,
please find enclosed for filing an original and four (4) copies of
its above referenced Petition for Rulemaking.

Should any questions arise with respect to this matter, please
contact undersigned counsel directly.

Sincerely yours,

Thomas Gutierrez
J. Justin McClure

JM:cms
Enclosure

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Section 22.521(b) of the)
Commission's Rules to include San Luis) RM No. _____
Obispo, California, in the table of)
assignments for air-ground stations)
in the Public Land Mobile Service)

PETITION FOR RULEMAKING

Mobile Telecommunication Technologies Corp. ("Mtel"), by its attorneys, hereby petitions the Commission to modify Part 22 of its rules to allocate UHF spectrum for air-ground service at San Luis Obispo, California. In support of this request, Mtel submits the following:

I. Introduction

In 1969 the Commission established an integrated air-ground radiotelephone service interconnected with the public switched telephone network operating under Part 22 of the rules.^{1/} See Air-Ground Service, 22 FCC 2d 716 (1969). Under the Commission's existing regulatory framework, Section 22.521(a) of the Commission's Rules allocates twelve base station frequencies for assignment to Land Mobile Radio stations for the purpose of providing communications service to airborne stations. Section 22.521(a) also allocates 12 frequencies for mobile and auxiliary test station use. Section 22.521(b) allocates from one to four of

^{1/} This service is distinct and separate from the nationwide 800 MHz air-ground service available on commercial flights.

the base frequencies to specific geographic locations. That subsection requires that base stations operating on these frequencies be within 25 miles of the coordinates of the location specified.

San Luis Obispo is not among the locations listed in Section 22.521(b), nor is it within 25 miles of any of the locations so specified. As a result, air-ground service is not presently available in this community. Yet, as set forth below, there is a true need for such service and the service can be provided without risking interference to presently authorized facilities, and without otherwise being inconsistent with the Commission's rules.

II. The Need For Service

San Luis Obispo is the principal municipality within the metropolitan area having the same name and a 1990 population of 217,162. It is a center of commercial activity as well as the location of significant general aviation activity. San Luis Obispo is a major metropolitan area connecting San Francisco, California and points north with Los Angeles, California, and points south. Thus, this community is a center of commerce, as well as being located on a primary flight route separating other hub cities on the west coast.

III. Proposed Amendment

Notwithstanding the clear need for service, there are no authorized air-ground stations within 61 miles of San Luis Obispo. In order to cure this shortcoming, Mtel proposes that Section

22.521(b) be amended to add the following:

<u>Location</u>	<u>Channel</u>
California	
San Luis Obispo	12

This amendment would allow an air-ground station to be operated, after proper authorization, on the working frequency of 454.975 MHz (Channel 12) and 454.675 (the nationwide signalling channel) within 25 miles of San Luis Obispo.

Petitioner has selected Channel 12 for the proposed amendment to afford maximum co-channel separation from all other air-ground stations allocated by Section 22.521(b). Significantly, the closest co-channel facility to San Luis Obispo is located 476 miles away in Klamath Falls, Oregon. This degree of separation has already been found to be more than sufficient to warrant allocation of additional air-ground facilities.^{2/} Modification of the Table of Assignments as set forth herein would also be consistent with other Commission action where it has held that there is a need for quality air-ground communications in cities not currently being served. See, e.g., Air-Ground Radiotelephone Service (Table of Assignments), 6 FCC Rcd 1863 (1991), where the Commission allocated spectrum for air ground service in Fort Myers, Florida; Wilmington, North Carolina; and Columbia, Missouri.

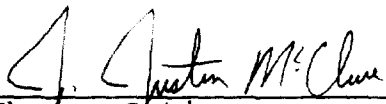
^{2/} See, e.g., Report and Order allocating spectrum for air-ground service in Mobile, Alabama in Docket No. 84-1295, 50 FR 23125 (effective July 1, 1985).

IV. Conclusion

In view of the above, Mtel submits that revision of the Commission's rules to allocate spectrum for air-ground at San Luis Obispo, California would serve the public interest, convenience and necessity. Accordingly, Mtel respectfully petitions the Commission to modify its rules in accordance with the proposal set forth above.

Respectfully submitted,

MOBILE TELECOMMUNICATION
TECHNOLOGIES CORP.

By: 
Thomas Gutierrez
J. Justin McClure

Its Attorneys

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April 8, 1994